

## DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



December 14, 1979

ALL-COUNTY LETTER NO. 79-80

• TO: ALL COUNTY WELFARE DIRECTORS

SUBJECT: DATA COLLECTION - RELATIVE CARETAKERS, AFDC/BHI

## REFERENCE:

The U. S. Supreme Court, in Miller v. Youakim, found that states could not exclude otherwise eligible children from the federal AFDC-BHI program solely on the basis that they are placed in relatives' homes. California regulations to implement this decision in the case of federally eligible children are expected to be promulgated on or before January 1, 1980.

The attached Statistical Report on Miller v. Youakim Cases, with instructions for its completion will enable the Department of Social Services to assess the impact of the Supreme Court decision on California's BHI program. The report is being required on a temporary basis but it is expected that the requirement will be for a minimum of one year. The first report for the month of January is due on February 25, 1980. The attached instructions will be incorporated in the Statistical Reports Manual of Policy and Procedures. Questions regarding the report should be directed to the Statistical Services Bureau at (916) 322-2230 or ATSS 492-2230.

Sincerely,

A handwritten signature in cursive script that reads "Claude E. Finn".

CLAUDE E. FINN  
Deputy Director  
Administration Division

Attachment

cc: CWDA

State of California  
Health and Welfare Agency  
Department of Social Services

Send one copy to:  
Department of Social Services  
Statistical Services Bureau  
744 P Street, M.S. 12-81  
Sacramento, CA 95814

STATISTICAL REPORT ON  
MILLER-YOUAKIM CASES

(AFDC Foster Care Cases with  
Non-legally Liable Relative Caretakers  
of Federally Eligible, Court-placed Children)

County:

Month:

Decision points	Miller v. Youakim cases requesting eligibility under:			
	AFDC-BHI		AFDC-FG/U	
	Number of Foster Care Children	Excess of Grant Allowance Over FG/U	Number of Foster Care Children	Excess of Grant Allowance Over BHI
1. New cases added ..				
2. Redeterminations .				
TOTAL .....				

Report prepared by:

Telephone Number

Date

( )

26-232      STATISTICAL REPORT ON MILLER v. YOUAKIM CASES (Form TEMP 1376)  
(AFDC Foster Care Cases with Non-legally Liable Relative  
Caretakers of Federally Eligible, Court-Placed Children)

26-232.01    CONTENT

Data on this report provides information on the federally eligible foster care children placed in the homes of non-legally liable relatives under court order and on the increased grant costs which result from the option given the caretaker relatives to choose between Family Group/Unemployed Parent, and BHI eligibility.

26-232.02    PURPOSE

The data from this report will provide the AFDC program staff of the Department of Social Services with a clear picture of the impact of the Miller-Youakim decision of the U. S. Supreme Court on the case-load and costs of the AFDC program. It will also provide a factual basis for any future regulation proposals on eligibility under the BHI program.

26-232.03    DISTRIBUTION

Monthly summaries will be distributed to program managers and the Estimates Bureau in the Department of Social Services. The data will also be available to the State Legislature and other interested agencies and individuals.

26-232.04    DUE DATE

Reports are to be received in Sacramento on or before the 25th day of the month following the report month. Send report to:

Department of Social Services  
Statistical Services Bureau  
744 P Street, Mail Station 12-81  
Sacramento, CA 95814

26-232.06    DEFINITIONS

Reporting Period

The reporting period shall be the calendar month unless approval has been obtained to report on the basis of a work month. The term "report month" used throughout the instructions refers to the reporting period used by the county welfare department.

Work Month

Use of the work month is subject to prior approval of the Statistical Services Bureau. Its use as a substitute for calendar month reporting is for the purpose of permitting counties to prepare this report using the same work period as that used for fiscal reports. Counties

wishing to report on a work month basis are required to submit a written request identifying the period to be covered on the work month basis.

Once reporting has started on a work month basis, counties must obtain prior approval if they wish to return to calendar month reporting.

#### Miller v. Youakim Case

The U. S. Supreme Court on February 22, 1979, in Miller v. Youakim, found that the states could not exclude otherwise eligible children from the federal AFDC-BHI program solely on the basis that they are placed in relatives' homes. California regulations planned to go into effect on or before January 1, 1980 would allow nonlegally liable relative caretakers of federally eligible court-placed children to request eligibility determination under either AFDC-FG/U or AFDC-BHI regulations. For purposes of this report these cases will be called Miller-Youakim cases.

#### Decision Points

Decision points, for purposes of this report, are defined as those occasions in the application and eligibility process when a non-relative caretaker in a Miller v. Youakim case is given the BHI-FG/U option under the revised regulations and a decision is reached as to the program under which eligibility is to be determined.

#### 26-232.10 COLUMN INSTRUCTIONS

AFDC-BHI: Number of Children - Count in this column all children whose AFDC eligibility is determined under AFDC-BHI regulations when the non-legally liable relative caretaker has made this choice under the Miller-Youakim ruling.

Excess of Grant Allowance over FG/U - Report in this column the amount by which the grant allowances under BHI exceed the allowances that have been (or would be) made if eligibility were determined under FG/U\*. (See examples below.)

AFDC-FG/U: Number of Children - Count in this column all children whose AFDC eligibility is determined under AFDC-FG/U regulations when the non-legally liable relative caretaker has made this choice under the Miller-Youakim ruling.

\* It is expected that choices made by recipients will be made on the basis of monetary advantage. If grant allowances chosen are less than they would be under the program not chosen, the differences should be included as negative amounts.

Excess of Grant Allowance over BHI - Report in this column the amount by which the grant allowance under FG/U exceeds the allowance that has been (or would be) made if eligibility were determined under BHI\*. (See example below.)

Examples: Calculation of Excess of Grant Allowance

Assumption: Child is removed from own home by court order and placed in care of aunt whose home is approved by services system. Child meets all criteria for general AFDC eligibility and federal financial participation in an AFDC-BHI payment. Caretaker requests AFDC-BHI as a result of the "Youakim" decision.

Example #1:

Child is unaided and receives \$220 per month Social Security (OASDI) benefits. Aunt is nonneedy. The child was formerly ineligible for AFDC-FG due to income in excess of the MAP for one person (\$201). However, the child would now be eligible for AFDC-BHI because his/her income does not exceed the county's foster family home rate of \$250 per month.

Former (FG) Grant:	0
AFDC-BHI Grant:	\$30 (\$250 - \$220)
Excess of grant allowance over FG/U:	\$30

Example #2:

Child has no income and receives AFDC-FG with aunt as nonneedy caretaker relative. Foster care rate is \$250.

Former (FG) Grant:	\$201
AFDC-BHI Grant:	\$250
Excess of grant allowance over FG/U:	\$ 49

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\* It is expected that choices made by recipients will be made on the basis of monetary advantage. If grant allowances chosen are less than they would be under the program not chosen, the differences should be included as negative amounts.

## Example #3:

Child has no income and receives AFDC-FG as part of an FBU consisting of himself, his aunt, and his aunt's child. Since the aunt and her child have no income, the FG grant for the three persons is \$410. The foster care rate is \$250.

New (FG) Grant	\$331
AFDC-BHI Grant	+ <u>250</u>
Current Total	<u>\$581</u>
Current Total	\$581
Former (FG) Grant	- <u>410</u>
Excess of Grant Allowance Over FG/U	<u>\$171</u>

## 26-232.11 ITEM INSTRUCTIONS

Items 1-2 Count a case only when a decision is made under the Miller-Youakim ruling and the amount of cash grant has been determined, i.e., at the decision point. Do not count a case a second time; e.g., at succeeding redeterminations for the same case, unless the decision of the caretaker changes.

## Item 1. New cases added

Count all new applications approved, restorations, transfers in from other counties and transfers from MN. Do not count transfers in from other counties if the FG-BHI choice was made prior to the transfer and no change in program status is required.

## Item 2. Redeterminations

Count in this item all cases where a decision is made regarding FG/U or BHI eligibility during the regular mandated redetermination process or where such a decision is made at the request of the caretaker relative at some time other than the regular redetermination.